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C. S. A. Cong. House
1st Cong., 2 sess.
Sept. 24, 1862

[HOUSE BILL, No. 47.]

HOUSE, September 24, 1862.—Read first and second times, placed on Calendar and ordered to be printed.

[By Mr. MOORE, from Judiciary Committee.]

A BILL

To be entitled An Act to authorize the President of the Confederate States to institute a commission for the trial and punishment of offences in the armies of the Confederate States.

- 1 SECTION 1. *The Congress of the Confederate States of America do enact,* That the President of the Confederate States is hereby authorized and empowered to institute a commission, to be composed of such persons as he may appoint to accompany each brigade, division or army corps in the field as the President may direct, who shall constitute a court with full and complete jurisdiction to try and punish all offences which may be committed by any officer or soldier against the military, criminal or penal law of the land.
- 1 SEC. 2. That the said court shall have full and com-

2 plete power and jurisdiction to inflict all the punishments
3 and penalties which the military law prescribes against
4 any officer or soldier who shall be found guilty of a vi-
5 lation thereof, and the said court is hereby invested with
6 all the power and jurisdiction of courts martial under
7 and by virtue of the military law of the Confederate
8 States.

1 SEC. 3. When any officer or soldier shall be adjudged
2 by said court to be guilty of an offence not punishable
3 by military law, but which is made a felony by the laws
4 of the Confederate States, such person shall be punished
5 according to the penalty prescribed by the laws of the
6 Confederate States.

1 SEC. 4. That when any officer or soldier shall be ad-
2 jugged by said court to be guilty of an offence not pun-
3 ishable by the military law of the Confederate States,
4 nor held to be a felony by the criminal law thereof, but
5 which is declared to be a felony by the laws of the State
6 in which the offence was committed, it shall be the duty
7 of said court to hand such person over to the civil
8 authorities of such State, to be dealt with according to
9 the laws thereof.

1 SEC. 5. That if any such officer or soldier shall be ad-
2 judged by said court to be guilty of any trespass to the
3 person or property of the citizen, upon conviction thereof,
4 such person shall be punished by confinement in prison
5 for a period of not more than twelve months, or put to
6 hard labor for the same time, in the discretion of the
7 court.

1 SEC. 6. Where the judgment of said court, under the
2 provisions of this act, shall be the penalty of death, or
3 the cashiering of an officer, such judgment shall be sub-
4 ject to the review and approval of the President, and in
5 all such cases it shall be the duty of said court to keep,
6 or cause to be kept, a true and complete record of the
7 proceedings and proof in the case.

1 SEC. 7. That in order to enable said court to keep,
2 when necessary, a complete record of its proceedings and
3 proof in any case, and to cause all of its process and
4 judgments to be executed, it shall have power to appoint
5 its own clerk and marshal, each of whom shall, before
6 entering on the discharge of the duties of their respec-
7 tive offices, take the oath prescribed by law in such
8 cases and execute bond in the penalty of three thousand

9 dollars conditioned for the faithful performance of their
10 respective duties.

1 SEC. 8. The persons who shall constitute the court
2 aforesaid shall be required, before entering on the duties
3 of their office, to take the oath now prescribed by law
4 in such cases, and in addition thereto take an oath to
5 discharge said duties honestly, faithfully and according
6 to the best of their skill and judgment.

1 SEC. 9. Provided that no judgment rendered under
2 the provisions of this act shall bar any citizen from his
3 right of action against any officer or soldier to recover
4 damages for any trespass to property.

1 SEC. 10. The members of said court shall hold their
2 offices during the war unless, in the judgment of the
3 President, said court should be sooner discontinued, and
4 they shall each receive a salary of one hundred and
5 eighty dollars per month, to be due and payable quar-
6 terly. The salary of the clerk shall be three dollars per
7 day, and that of the marshal five dollars per day.

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